

JUDGE KAPLAN

07 CIV 9845

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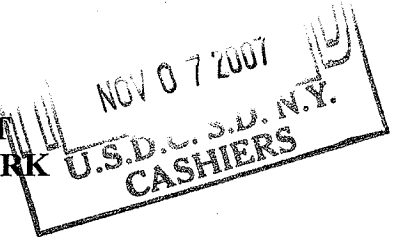
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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**



INNOVATION BARGAIN, LLC D/B/A  
IPACKSOLUTION

Plaintiff,

v.

WESSCO INTERNATIONAL

Defendant.

Civil Action No.

COMPLAINT

DEMAND FOR JURY TRIAL

**COMPLAINT AND DEMAND FOR TRIAL BY JURY**

Plaintiff, Innovation Bargain, LLC, by its attorneys and for its complaint, alleges as follows:

**PARTIES**

1. Plaintiff Innovation Bargain, LLC is a New York company with its principal place of business at 38B Manorhaven Blvd., Port Washington, New York 11050.
2. On information and belief, Defendant Wessco International is a corporation having a principal place of business at 1950 Sawtelle Blvd., Suite 360, Los Angeles, CA 90066, and a business office at 161 West 54th St., Suite 360, New York, New York, 10019.

### **NATURE OF THE ACTION**

3. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code, including 35 U.S.C. §§ 271 and 281.

4. Plaintiff charges Defendant with infringement of its U.S. Design Patent D553,441 ("the '441 patent"). (Exhibit 1). Plaintiff seeks a preliminary and final injunction under 35 U.S.C. § 283 against continued infringement by Defendant, its agents, servants, employees and assigns, and all those acting in concert with Defendant.

### **JURISDICTION AND VENUE**

5. Jurisdiction over the subject matter hereof is conferred upon this court by 28 U.S.C. §§ 1331 and 1338(a), as patent infringement claims arise under the patent laws of the United States.

6. Venue in this judicial district is proper under the provisions of 28 U.S.C. §§ 1391(c) and 1400(b), because on information and belief the '441 patent was infringed in the State of New York, and because the Defendant engages in significant business in, and derives significant profit within, this State.

### **FACTUAL BACKGROUND**

7. On October 23, 2007, the '441 patent, entitled CUP, was duly and legally issued to Karishma Mirpuri. Plaintiff is the owner by assignment of the '441 patent, with full rights to bring suit to enforce it.

8. For a period of time, the length of which is unknown to the Plaintiff prior to discovery, Defendant sells, offers for sale and/or imports, for profit, cups without a license from Plaintiff, which infringe the claim of the '441 patent.

9. By reason of Defendant's infringement, Plaintiff has suffered and will continue to suffer damages and irreparable harm, for which Plaintiff has no adequate remedy at law.

### **COUNT ONE**

10. Plaintiff incorporates the allegations of Paragraphs 1-9 above as if fully set forth herein.

11. On information and belief, Defendant uses, sells, offers for sale and/or imports into the United States cups covered by the '441 patent.

13. By reason of Defendant's acts of infringement, Plaintiff has suffered and will continue to suffer damages and irreparable harm.

### **PRAYER FOR RELIEF**

14. WHEREFORE, Plaintiffs pray for a preliminary and permanent injunction under 35 U.S.C. § 283 against continued infringement by Defendant, its agents, servants, employees and assigns, and all those acting in concert with it; an accounting for compensatory damages, including interest and costs under 35 U.S.C. § 284; and such other and further relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all issues.

DATED: November 6, 2007

A handwritten signature in dark ink, appearing to read "G. Norton", is written over a horizontal line.

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